



Department of Energy

Washington, DC 20585

May 24, 1999

The Honorable Armand Minthorn
Board of Trustees
Confederated Tribes of the Umatilla Indian Reservation
STGWG Co-Convener
P.O. Box 638
Pendleton, OR 97801

Dear Mr. Minthorn:

Thank you for your letter to Secretary Richardson, dated March 19, 1999, on behalf of the State and Tribal Government Working Group (STGWG), and particularly for the report entitled *Closure for the Seventh Generation*. This constructive contribution to improving the cost effectiveness of our cleanup program and your efforts to facilitate the participation of State and Tribal governments are evidence of the value of our investment in stakeholder participation.

This letter and the enclosed response provide our initial acknowledgment of your letter and report. We agree with the Committee that a viable long-term stewardship program is required to ensure protection of human health, the environment and cultural resources at most DOE sites. The need for long-term stewardship arises from the nature of the contamination and the technical and economic limitations in remediating that contamination. At each site we are working with regulators and stakeholders to develop remedies for appropriate and expected land uses. I propose that we mutually commit ourselves to an ongoing engagement at the site level - where cleanup decisions are generally made.

Your report, *Closure for the Seventh Generation*, clearly represents a significant effort by STGWG members, and many of the report's recommendations on long-term stewardship parallel the results of the Department's own ongoing research. I am directing that the report be distributed to relevant staff offices, and that the recommendations and survey results be incorporated into site specific long-term stewardship planning, as appropriate.

I would also like to thank you for your offer to work with the Department in support of the impending national study on long-term stewardship. The Office of Environmental Management is currently identifying the path forward for completing this national study, which will require close coordination with field offices and Headquarters activities related to long-term stewardship. The Department anticipates that the study will discuss many of the recommendations for specific action presented in your report, and that stakeholder input in the study will assist DOE in shaping the path forward for the long-term stewardship program. The success of this study, as well as the ultimate implementation of long-term stewardship, rests on the ability of the Department of Energy to actively involve Tribal, State and local governments and stakeholders.

I would like to reiterate the Department's appreciation for the views and recommendations

presented by the Long-Term Stewardship Committee. Although much work remains, the Department is making progress on addressing issues associated with many of your recommendations. We will keep the Committee informed and involved with additional efforts related to long-term stewardship.

If you need additional information, please contact Jim Werner (202/586-9280) or Steven Livingstone (202/586-9874) of my staff.

Sincerely,

James M. Overhoff

James M. Owendoff
Acting Assistant Secretary for
Environmental Management

Enclosure: Response to Specific STGWG Recommendations

cc: Tim Fields, Jr., U.S. Environmental Protection Agency Sherry Wasserman
Goodman, U.S. Department of Defense



Department of Energy
Washington, DC 20585

May 24, 1999

Mr. Tom Winston
Chief, Southwest District Office
Ohio Environmental Protection Agency
STGWG Co-Convener
401 E. 5th Street
Dayton, OH 45402

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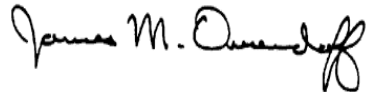
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Sincerely,

A handwritten signature in black ink, reading "James M. Owendoff". The signature is fluid and cursive, with the first name "James" and last name "Owendoff" clearly legible.

James M. Owendoff
Acting Assistant Secretary for
Environmental Management

Enclosure: Response to Specific STGWG Recommendations

cc: Tim Fields. Jr., U.S. Environmental Protection Agency Sherry Wasserman
 Goodman, U.S. Department of Defense

Response to Specific STGWG Recommendations

Recommendation 1 Goals for Long-Term Stewardship Program. Any accepted long-term institutional control or stewardship program must ensure long-term protection of human health, the environment and cultural resources.

The Department of Energy (DOE) is committed to ensuring the continued protection of human health and the environment at its sites. It is the primary goal of the Office of Environmental Management (EM) program. This commitment is true for DOE cleanup, stockpile stewardship, long-term stewardship and other missions.

In addition, the Secretary has recently reaffirmed our commitment to the preservation of the historical and the cultural resources at our sites by creating a Corporate Board on Historic Preservation consisting of representatives of each Secretarial office. The goal of the Board is to develop options and recommendations that will ensure the adequate preservation of our historical and cultural resources.

The overall goal for DOE's cleanup program is to design cleanup strategies that protect human health and the environment. The level of cleanup is based on the expected future land use. We believe that if, after a site is remediated to levels appropriate for the specified land use, communities decide that they desire further cleanup to allow for less restrictive land uses, then the cost of such additional cleanup should not be borne by the Department of Energy.

Recommendation 2 Improve Long-term Stewardship Planning. A good stewardship program requires careful thought and planning. Simply stating that "institutional controls will be maintained" does not address even the currently identified deficiencies described above. The following recommendations propose specific actions to improve stewardship planning.

While the primary focus of the EM program must be on cleanup and closure of DOE sites, long-term stewardship planning certainly comprises a critical element of this effort. We agree that a viable long-term stewardship program requires careful thought and planning to address issues such as the role and adequacy of institutional controls, program responsibility and accountability, and funding. We further agree that information management is critical to ensuring the successful transition from cleanup to long-term stewardship, as well as to the future success of a long-term stewardship program. In addition, as a result of the PEIS lawsuit settlement, the Office of Environmental Management is currently identifying the path forward for completing a national study on DOE activities related to long-term stewardship. The Department anticipates that this study, which will require close coordination with field offices and Headquarters, will address many of the recommendations for specific action presented in your report.

Due in part to the attention that STGWG has given to the issue, the Department's major data initiative, the Integrated Planning, Accountability, and Budgeting System (IPABS), will gather a subset of the information that you recommend be collected to help improve long-term stewardship planning. In December, we sent to our field staff an IPABS data requirement document that requests, from each site, information regarding geographic site end state information, future geographic site stewardship information, future use, long-term institutional control needs, residual contamination data, and stewardship information (by media type). Obviously sites that are completing their cleanup projects prior to 2006 will generally possess more definitive stewardship information than those sites where cleanup missions extend into the next decade.

As part of our "Paths to Closure" process, we have asked site personnel to consider more explicit accounting for long-term stewardship costs by establishing a Project Baseline Summary (PBS). Field office staff will use this PBS guidance to assist in accounting for long-term stewardship related activities and in estimating budget requirements, as they deem appropriate. In addition, we intend to urge each site manager to develop a long-term stewardship plan that is appropriate to the needs of that site.

We recently formed a DOE Stewardship Working Group comprised of representatives from Headquarters organizations (including other Secretarial Offices such as Field Integration and Environment Safety and Health), field office representatives, and other employees to coordinate activities and ultimately to develop appropriate policy and guidance. The goal of the Working Group is to facilitate the sharing of useful technical information and ideas, and the eventual development of guidance on long-term stewardship. Working Group members have begun to seek public input on long-term stewardship issues at their sites. In addition, we are beginning to coordinate with other Federal organizations (e.g., EPA and DoD) that are also dealing with long-term stewardship issues.

The Working Group has significantly raised awareness of the diversity of issues involved in long-term stewardship. At its first meeting in Salt Lake City, the Working Group formed sub-groups on issues such as institutional controls/property transfer, information management, engineered controls, funding, cultural resources and risk. One consensus decision of the Working Group was to develop an outline of the recommended elements of an adequate long-term site stewardship plan. We believe that this outline will serve as initial guidance for sites in developing long-term stewardship plans that include costs and data (i.e., the subset of information that must be maintained after the cleanup projects are complete). The recently formed Environmental Restoration Program Area Improvement Team, in consultation with the Long-Term Stewardship Working Group, is currently taking the lead on this effort. We will also continue to consult with the Secretary's Openness Advisory Panel, other Federal agencies, and State, Tribal and local governments to determine the most efficient path forward.

In addition to stewardship planning developments at the national level, long-term stewardship planning is already beginning at some DOE sites. For example, sites such as Oak Ridge are

working closely with their Site Specific Advisory Boards (SSABs) to address long-term stewardship issues. In addition, any site transferred to the Grand Junction Office Long-term Surveillance and Maintenance Program is required to have a plan that describes all activities required for long-term care of the site.

Finally, DOE recognizes that a number of parties have recommended statutory changes to address long-term stewardship. The Department has not yet taken a position on the need for statutory changes; however, we are currently conducting analysis, including the national study on long-term stewardship, to develop the necessary analytical basis to evaluate the need for long-term stewardship legislation. Similarly, DOE recognizes that we will need to work closely with Tribes and States to develop adequate institutions and legal mechanisms to enforce land use restrictions. Ensuring that land use restrictions are enforced to protect human health and the environment will be a top priority in a long-term stewardship program.

Recommendation #3 Long-Term Stewardship Implementation. DOE sites that have on going missions in both defense and nondefense related areas will likely continue to make self-regulated stewardship decisions outside the EM program, under the Atomic Energy Act and the National Environmental Policy Act. Since consistency in applying stewardship principles across the DOE weapons complex is the preferred approach, DOE needs to establish consistent policy and guidance for stewardship across all departmental programs.

In August 1998, I reaffirmed the selection of the Grand Junction Office (GJO) as the office responsible for implementing the Long-Term Surveillance and Maintenance Program for EM at completed low-level radioactive waste disposal sites. Over the past 10 years, GJO has taken custody of 25 sites where DOE has completed cleanup, including the Piqua site in Ohio and a number of uranium mill tailings sites. In addition, GJO has developed expertise in records management, site inspection/monitoring/maintenance, regulatory compliance/reporting, security, and emergency response, and is preparing to take responsibility for the Weldon Spring site in Missouri and the Pinellas site in Florida (in 2002). We will continue to evaluate completed sites to determine if transfer to GJO for long-term stewardship would be appropriate and cost effective.

As noted above, the Stewardship Working Group was formed because many EM organizations are actively involved in long-term stewardship related activities. The Office of Planning, Policy and Budget (EM-20) is responsible for developing long-term stewardship policy for EM. This office, in cooperation with other DOE offices, is currently completing the background report on long-term stewardship noted in response to recommendation number 4 below. This office is also the lead for conducting the national study on long-term stewardship and is responsible for facilitating the Stewardship Working Group as well as interactions with other Federal organizations. The Office of Environmental Restoration (EM-40) has implemented significant portions of EM's long-term stewardship program for the past 10 years through its GJO Long-Term Surveillance and Maintenance Program, and its remediation

and decommissioning activities. The Office of Nuclear Material and Facility Stabilization (EM-60) is responsible for stewardship of EM nuclear materials. The Office of Site Operations (EM-70) is responsible for collecting data on anticipated long-term stewardship scope and costs through the *Accelerating Cleanup: Paths to Closure* process and also performs many site closeout and transfer activities. The Office of Waste Management (EM-30) is responsible for the design, operation, and closure of disposal units that often define the level of long-term stewardship required at a site. Finally, the Office of Technology Development (EM-50) is responsible for identifying and implementing not only new technologies that save the cleanup program time and money, but also technologies that will increase the likelihood that selected remedies will remain protective of human health and the environment. The Working Group will continue to serve as a centralized forum for the development of guidance and coordination of long-term stewardship implementation activities.

We realize that long-term stewardship will likely be required after cleanup at facilities currently being operated by other DOE programs, such as Defense Programs and Nuclear Energy. Under current Departmental policy, EM is expected to take over cleanup management responsibility for those facilities currently performing non-EM missions, including; environmental restoration, waste disposal facility closure, facility deactivation, decommissioning and decontamination, and long-term stewardship.

Recommendation #4 Public Education and Awareness. In accordance with “Accelerating Cleanup: Paths to Closure” DOE needs to complete the final report, “Moving from Cleanup to Stewardship”, and distribute it for public comment as soon as possible. This report complements “Paths to Closure” and serves as a catalyst to inform stakeholders of stewardship issues. It also focuses the public education and dialogue process.

We are now finalizing a revised long-term stewardship report, pursuant to our commitment in *Accelerating Cleanup: Paths to Closure* (February and June 1998), which will also serve as background information for the scoping meetings on the long-term stewardship study. The Department intends to release this report, *From Cleanup to Stewardship*, by early Summer, 1999. In addition, we are currently preparing fact sheets on long-term stewardship issues, and are also developing a public involvement plan to encourage public input on the national study - from scoping through development of the final study. Our Internet site, <www.em.doe.gov/lts>, also provides substantial background information on the issues associated with long-term stewardship. This site includes analysis of the issues by both internal and external sources (e.g., DOE will post the STGWG report on this site). Printed copies of all materials will be available upon request (DOE Center for Environmental Management Information 1-800-736-3282).

The PEIS settlement requires significant public involvement in the long-term stewardship study. We will ensure that forums and other opportunities to participate are provided at both the local and national levels. In addition, Secretary Richardson announced in October that

EM has entered into a cooperative agreement with the Environmental Law Institute (ELI) and the Energy Communities Alliance (ECA) to conduct research and begin a dialogue regarding the role of local governments in long-term stewardship at DOE sites. Activities will include assessing local government capabilities for implementing, monitoring, and maintaining institutional controls; defining roles and responsibilities among levels of government; and designing more effective institutional controls. A successful initial round table meeting of local officials was held in Westminster, Colorado, April 8-9, 1999.